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IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 1050

DEWEY HEALING, Chairman of the Hopi Council of the Hopi Indian Tribe, etc., *Appellant*,

v.

PAUL JONES, Chairman of the Navajo Tribal Council of the Navajo Indian Tribe, etc., and ROBERT F. KENNEDY, Attorney General of the United States, etc.

Appeal from the United States District Court for the District of Arizona

MEMORANDUM FOR THE APPELLEE CHAIRMAN

This is the Hopis' cross-appeal from the judgment of the specially constituted three-judge court below (210 F. Supp. 125) in the litigation authorized by Congress in the Act of July 22, 1958, Pub. L. 85-547, 72 Stat. 403, for the final settlement of the long standing land controversy between the Navajo and the Hopi Tribes of Indians.

The facts and the issues are set forth in detail in the jurisdictional statement heretofore filed on behalf of the Navajos in *Jones* v. *Healing,* No. 985 of the present Term.

For the reasons set forth at pp. 22-23 of that document, we consider the Hopis' present contentions to be untenable. None the less, as we have already said, we urge that, with a view to ultimate reconciliation between the two quasi-sovereign Indian nations involved, the Hopis' claims be not rejected before their arguments have been fully heard by this Court.

Accordingly, we join in asking that this Court note probable jurisdiction of the present appeal by the Hopis, and we again urge that probable jurisdiction of the Navajos' appeal in No. 985 be likewise noted.

Respectfully submitted.

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MAY 1963.